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011416Z Sep 04

UNCLAS SECTION 01 OF 02 ABUJA 001506

SIPDIS

SENSITIVE

E.O. 12958: N/A

TAGS: PGOV NI

SUBJECT: NATIONAL ASSEMBLY MAKING WAVES

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¶1. (SBU) Summary: Nigerian legislators are suddenly making news. The House of Representatives was applauded for passing the Freedom of Information Bill, making government information open to the public and protecting whistle blowers. The Senate yesterday unanimously demanded that President Obasanjo fire FCT Minister Nasir El-Rufai within 48 hours, and suspended work on all bills sought by Executive. The Senate last week accused El-Rufai, an influential member of the GON Economic Team, of improperly employing two personal aides, although some Senators tell us that they would accept a public apology from El-Rufai. In a separate action, the Senate also took upon itself court-like duties in ordering Royal Dutch Shell, one of the main companies pumping Nigerian crude, to pay 1.5 billion usdols to Nigerian communities as a fine for its causing "severe health hazards and economic hardship." End Summary.

FREEDOM OF INFORMATION BILL

¶2. (SBU) The House passed on August 24 a Freedom of Information bill to ensure that citizens have access to public records. In the past, all government information in Nigeria was classified, limiting transparency to what the GON decided to publish. This bill criminalizes hoarding of information by public servants and institutions, and protects government workers from harassment if they disclose certain types of government information without authorization from their superiors. Rep. Farouk Adamu, Vice Chair of the House Committee on Information, told us Section 3 (1) of the Bill states: "every person, whether or not a citizen of Nigeria, has a legally enforceable right to, and shall on request, be given access to records under the control of government or public institutions."

DEMANDING THE FCT MINISTER'S HEAD

¶3. (U) The Senate, on August 31, unanimously demanded that President Obasanjo fire Nasir El-Rufai, the Minister of the Federal Capital Territory and also a senior member of Obasanjo's economic reform team, within 48 hours. A week earlier, senators demanded El-Rufai resign or face charges concerning two personal aides the senators alleged were illegally hired. El-Rufai responded to reporters that "Silence is the best answer to a fool," which the senators claimed was calling all of them fools. President Obasanjo apologized in an August 31 letter to the Senate for Minister El-Rufai's words, but the Senate rejected the apology.

¶4. (SBU) We spoke to Senator Mamora from the AD, and Senator Shuaibu of the ANPP in separate meetings September 1. They said the Senate was infuriated by El-Rufai's attitude and public comments that were disrespectful of the Senate. They made no mention of policy differences with El-Rufai or the GON as a whole, and Shuaibu said he thought the Senate might relent on demanding resignation if El-Rufai apologized publicly.

SHELL GAME

¶5. (U) On August 24, the Senate passed a resolution ordering Royal Dutch Shell to pay 1.5 billion usdols to Ijaw residents of Bayelsa State, in response to a petition from a group claiming to represent them. The petitioners claimed environmental damage from oil spills and other oil operations had killed, injured and ruined the Ijaws economically. Senators said they acted because violence in the Delta was getting out of

hand, and this would appeal to Delta residents.

16. (U) In a similar case, the Abia state assembly voted to call on another oil major, Agip, to appear before the assembly to explain how it would pay damages to Abia constituents. Neither Shell nor Agip has agreed to pay, and Shell has taken out newspaper ads to explain that most of the oil spills resulted from sabotage by local communities in Bayelsa instead of Shell activities.

MEDIA BILL

17. (U) Members of the House of Representatives, including one ex-journalist, have tabled a bill that would establish a code of ethics for journalists. The code would criminalize "irresponsible journalism" and force journalists to reveal their sources and provide other evidence if taken to court. After some outcry comparing the bill to military-rule era decrees, the House stopped action on the bill.

COMMENT

18. (SBU) The House is also still working on the labor reform bill, and Senators mentioned specifically that they would take no action on the labor bill until the El-Rufai affair was settled. (Our House and Senate contacts tell us the labor bill is unlikely to pass either house in its present form anyway.) The various bills in play could affect U.S. interests in a variety of ways, and we will keep monitoring their progress.

CAMPBELL